

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAR 23 2016

Clerk, U.S. District Court
District Of Montana
Billings

TERRY KERR,

Plaintiff,

vs.

ST. VINCENT HEALTHCARE,

Defendant.

CV 15-29-BLG-SPW-JCL

ORDER

Before the Court are United States Magistrate Judge Jeremiah Lynch's Findings and Recommendations filed on February 29, 2016. In the Findings and Recommendations, Judge Lynch recommends that this Court grant Defendant St. Vincent Healthcare's summary judgment motion.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Lynch's Findings and Recommendations. No objections were filed. Plaintiff Terry Kerr filed a Motion for Reconsideration, which Judge Lynch properly denied.

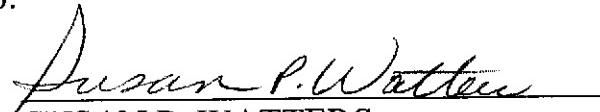
When neither party objects, this Court reviews Judge Lynch's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this

Court does not find that Judge Lynch committed clear error. Even construing Kerr's Motion for Reconsideration as a formal written objection, a *de novo* review does not reveal any errors in the Findings and Recommendations.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Lynch's Findings and Recommendations (Doc. 59) are ADOPTED IN FULL.
2. St. Vincent Healthcare's Motion for Summary Judgment Re: Plaintiff's Defamation Claim and Any Other Remaining Claims (Doc. 44) is GRANTED.
3. This action is DISMISSED.
4. The Clerk of Court shall enter judgment and close this case.

DATED this 23 day of March, 2016.



SUSAN P. WATTERS
United States District Judge